

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered February 9, 2015.

(Deleted material is struck through and new material is underscored.)

Effective immediately, Supreme Court Rules 763, 768, 759, and 780 are amended, as follows.

Amended Rule 763

Rule 763. Reciprocal Disciplinary Action

If an attorney licensed to practice law in ~~this State~~ Illinois and another ~~State~~ jurisdiction is disciplined in the ~~foreign State~~ other jurisdiction, ~~he~~ the attorney may be subjected to the same or comparable discipline in ~~this State~~ Illinois, upon proof of the order of the ~~foreign State~~ other jurisdiction imposing the discipline. For purposes of this rule, "other jurisdiction" is defined as the District of Columbia; a country other than the United States; a state, province, territory, or commonwealth of the United States or another country.

The Administrator shall initiate proceedings under this rule by filing a petition with the court, to which a certified copy of the order of the ~~foreign State~~ other jurisdiction is attached, together with proof of service upon the attorney. Within 21 days after service of a copy of the petition upon him the attorney may request in writing a hearing on the petition. If the court allows the request for a hearing, the hearing shall be held before the Hearing Board no less than 14 days after notice thereof is given to the attorney respondent and the Administrator. At the hearing the attorney may be heard only on the issues as to (1) whether or not the order of the ~~foreign State~~ other jurisdiction was entered; (2) whether it applies to the attorney; (3) whether it remains in full force and effect; (4) whether the procedure in the ~~foreign State~~ other jurisdiction resulting in the order was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process of law; and (5) whether the conduct of the attorney warrants substantially less discipline in ~~this State~~ Illinois.

If an attorney is suspended until further order of the Court or disbarred in ~~this State~~ Illinois pursuant to this rule, ~~the~~ reinstatement in ~~this State~~ Illinois shall be governed by the provisions of Rule 767.

Nothing in this rule shall prohibit the institution of independent disciplinary proceedings in this State against any attorney based upon his conduct in another ~~State~~ jurisdiction, and, in the event the Administrator elects to proceed independently, any discipline imposed in this State shall not be limited to the discipline ordered by ~~a foreign State~~ the other jurisdiction.

Adopted March 30, 1973, effective April 1, 1973; amended September 21, 1994, effective October 1, 1994; amended February 9, 2015, eff. immediately.

Amended Rule 768

Rule 768. Notification of Disciplinary Action

Upon the date on which an order of this court disbaring or suspending an attorney, or transferring him to disability inactive status becomes final, the clerk shall forthwith mail a copy of the order to the attorney, the presiding judge of each of the Illinois Appellate Court Districts, the chief judge of each of the judicial circuits of Illinois, the chief judge of each of the United States district courts in Illinois, and the chief judge of the United States Court of Appeals for the Seventh Circuit. The Administrator shall forthwith provide a copy of the order to each other jurisdiction in which the attorney is known to be licensed to practice law and to the National Regulatory Data Bank administered by the American Bar Association.

Adopted March 30, 1973, effective April 1, 1973; amended June 29, 1999, effective November 1, 1999; amended February 9, 2015, eff. immediately.

Amended Rule 759

Rule 759. Restoration to Active Status

(a) Petition. An attorney transferred to disability inactive status under the provisions of Rules 757, 758 or, prior to November 1, 1999, pursuant to Rule 770 may file a petition with the court for restoration to active status. The petition must be accompanied by verification from the Director of MCLE that the attorney has complied with MCLE requirements as set forth in Rule 790 *et seq.* and verification from the Administrator that the attorney has reimbursed the Client Protection Program for all payments arising from petitioner's conduct pursuant to Rule 780(e). A copy of the petition shall be served on the Administrator, who shall have 21 days to answer the petition. If the Administrator consents or fails to file exceptions in the answer to the petition, the court may order that the petitioner be restored to active status without a hearing. If the Administrator excepts to the petition in the answer, the petition and answer shall be referred to the Hearing Board, which shall hear the matter.

(b) Hearing and Review Procedure. The hearing and review procedure shall be the same as provided in Rule 753 for disciplinary cases.

(c) Disposition. The court may impose reasonable conditions upon an attorney's restoration to active status as may be warranted by the circumstances. A restoration ordered under this rule shall be effective seven days after entry of the court's order allowing the petition provided that the petitioner produces to the Administrator within the seven days verification from the Director of MCLE that the attorney has complied with MCLE requirements as set forth in Rule 790 *et seq.*

(d) Resumption of Disciplinary Proceedings. If an attorney is restored to active status, disciplinary proceedings pending against the attorney may be resumed.

Adopted March 30, 1973, effective April 1, 1973; amended September 8, 1975, effective October 1, 1975; amended June 1, 1984, effective July 1, 1984; amended October 16, 1990, effective November 1, 1990; amended June 29, 1999, effective November 1, 1999; amended September 29, 2005, effective immediately; amended February 9, 2015, eff. immediately.

Amended Rule 780

Rule 780. Client Protection Program

(a) There is established under the auspices of the Attorney Registration and Disciplinary Commission a Client Protection Program to reimburse claimants from the Client Protection Program Trust Fund for losses ~~caused by dishonest conduct committed by lawyers admitted to practice law in the State of Illinois:~~

(1) caused by dishonest conduct committed by lawyers admitted to practice law in the State of Illinois; or

(2) involving unearned, unrefunded fees paid to lawyers admitted to practice law in the State of Illinois who later died or were transferred to disability inactive status.

(b) The purpose of the Client Protection Program is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses, as defined in Rule 780(a), ~~caused by the dishonest conduct of lawyers admitted and licensed to practice law in the courts of the State of Illinois~~ occurring in the course of a lawyer-client or fiduciary relationship between the lawyer and the claimant.

(c) Reimbursements of losses by the ~~p~~Program shall be within the sole discretion of the Commission, and not a matter of right. No person shall have a right in the Program as a third-party beneficiary or otherwise, either before or after the allowance of a claim. The determination of the Commission shall be final and shall not be subject to judicial review.

(d) The Client Protection Program shall be funded by an annual assessment as provided in rule 756. The Commission shall establish by rule the maximum amount which any one claimant may recover from the ~~p~~Program and may establish the aggregate maximum which may be recovered because of the conduct of any one ~~attorney~~ lawyer.

(e) A lawyer ~~whose dishonest conduct~~ who is the subject of a claim that results in reimbursement to a claimant shall be liable to the Program for restitution. Disciplinary orders imposing suspension or probation shall include a provision requiring the disciplined ~~attorney~~ lawyer to reimburse the Client Protection Program Trust Fund for any ~~Client Protection~~ payments arising from his or her conduct prior to the termination of the period of suspension or probation. Prior to filing a petition for reinstatement or restoration to active practice, a petitioner

shall reimburse the Client Protection Program Trust Fund for all ~~Client Protection~~ payments arising from petitioner's conduct. The petition must be accompanied by a statement from the Administrator indicating that all such payments have been made.

(f) The Commission may make rules related to the investigation and consideration of a Client Protection Program claim.

Adopted March 28, 1994, effective immediately; amended September 14, 2006, effective immediately; amended February 9, 2015, eff. immediately.